

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

VANCE S. ELLIOTT,
Plaintiff,

v.

TELERICO,
Defendant.

Case No. 15-cv-03156-WHO

**ORDER DISMISSING CASE WITHOUT
PREJUDICE**

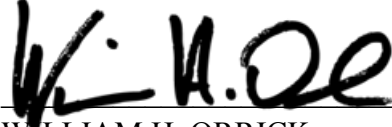
On July 8, 2015, I issued an order granting plaintiff's application to proceed in forma pauperis and dismissing his complaint for failure to state a claim. Dkt. No. 3. I gave him until August 7, 2015 to file an amended complaint. *Id.*

Plaintiff did not file an amended complaint by August 7, 2015 or at any time thereafter. On August 12, 2015, I ordered him to show cause why this case should not be dismissed for failure to prosecute. Dkt. No. 4. I gave plaintiff until September 1, 2015 either to file a statement showing cause why the case should not be dismissed, or to submit an amended complaint curing the deficiencies identified in the July 8, 2015 order dismissing his original complaint. *Id.*

As of the date of this order, plaintiff has not filed any response. Accordingly, this case is DISMISSED WITHOUT PREJUDICE for failure to prosecute. *See Pagtalunan v. Galaza*, 291 F.3d 639, 642-43 (9th Cir. 2002) (discussing factors relevant to whether to dismiss a case for failure to prosecute or to comply with a court order); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1261 (9th Cir. 1992), ("Although it is preferred, it is not required that the district court make explicit findings in order to show that it has considered these factors.").

IT IS SO ORDERED.

Dated: September 15, 2015


WILLIAM H. ORRICK
United States District Judge